

REMARKS

The above-identified application is United States application serial number 09/838,972 filed on April 20, 2001. Claims 1-20 are pending in the application. Claims 1-20 are rejected. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Nolan (US Patent 5,754,873).

Rejection of Claim Under 35 U.S.C. §102(b)

Regarding the rejection of Claims 1-20 under 35 U.S.C. §102(b) as being anticipated by Nolan (US Patent 5,754,873), the applicant respectfully traverses the rejection of all claims. Regarding independent claims 1, 14, 15, and 19, each specifies the function of receiving ranking information from the user. Claim 1 is a method that includes the action of "receiving information from the user, said information comprising ranking information." Claim 14 is a method in which one of the actions is "receiving information from the user for said photographic image, said input comprising ranking information." Claim 15 claims a digital camera comprising as one of the elements "at least one ranking control electrically connected to said camera processor, whereby a user utilizes said ranking control to select a ranking for an image." Claim 19 claims a computer program product comprising "instructions for receiving information from the user for said image, said information comprising ranking information." Implicit in the term "ranking" is the notion of a standing relative to other images. The applicant's description in paragraphs [23]-[25] reinforces this understanding. 214

Nolan does not disclose in any manner an operation or function of "receiving ranking information from a user," but rather teaches that a user enters a "preferred display size." [Col. 2, lines 34-35, and Col. 3, line 11]. Alternatively, Nolan teaches that the user enters selection of "a selected section of text" and a "zoom scaling control," operations that are tantamount to selection of a preferred display size. [Col. 2, lines 46-49]. The Examiner states that the reference "clearly states different text sizes and scaling factors" and that "mere usage of these different text sizes is a clear presentation of ranking information." Nolan's statement of different text size and scaling factors ("where each text section can have a different displayed size" [Col. 2, lines 47-48]) relate to text characteristics that are already in the image. The display size or scaling entered by the user is irrelevant to any differences.

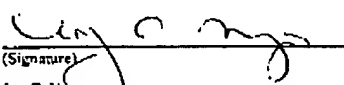
ordering, or hierarchy within the images, and thus is irrelevant to any sort of "ranking" that is received from the user.

All dependent claims are allowable on the basis of the distinction of the independent claims over Nolan. However, the applicant further traverses the rejection of claims 4 and 7. With regard to Claim 4, the Examiner states that Nolan teaches said image is a photographic image in Column 7, lines 28-41 and Column 11, lines 8-23. Neither section, nor anything else in the patent, says anything about photographic images.

With regard to Claim 7, the Examiner states that "sizing to zero" as claimed by the applicant is equivalent to "deleting". However, these actions are not the same. In the context of Nolan, "deleting" means removing displayed text from an image, while "sizing to zero" means assigning a size of zero to an image. "Deleting" is an operation performed by a user during displayed document editing, while "sizing to zero" is an operation automatically performed by a processor while displaying an image after a user previously assigns a rank below a threshold value. Therefore, in Nolan a user can see text deletion while performing editing. In contrast, sizing of an image to zero does not immediately result in non-display of an image. Depending on the set threshold, an independent operation, a user does not know whether a particular ranking will result in non-display of the image when display is attempted. Countless other distinctions can be imagined resulting from the wide discrepancy between the contexts of Nolan and the present application.

CONCLUSION

In view of the amendments and remarks set forth herein, the application, including all remaining Claims 1-20, is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned at (949) 251-0250.

I hereby certify that this correspondence is being facsimile transmitted to the USPTO, Technology Center 2600, Before Final at (703) 873-9314 on the date shown below:	
	
(Signature)	
Jay C. Naga	
(Printed Name of Person Signing Certificate)	
September 18, 2003	
(Date)	

Respectfully submitted,



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